HON'BLE SRI JUSTICE N.R.L. NAGESWARA RAO

APPEAL SUIT No.337 of 1997

JUDGMENT:

The defendant Nos. 1 and 2 in O.S.No.3 of 1987 on the file of the Senior Civil Judge, Nandyal, are the appellants herein.

2. The suit was filed by the plaintiff alleging that there was some fraud and misappropriation with regard to the deposits made in the bank while the appellants and others were employed by the plainitff's bank. The Court below has not believed the contention of the appellants and other defendants and decreed the suit. As against that judgment, the 5th defendant has preferred the appeal A.S.No.467 of 2007 in which the appellants herein also are the respondent Nos. 2 and 3 and the said appeal has been disposed of along with the batch of appeals on 31.08.2007. As per the said judgment, the Court has reduced the future interest and find it 6% p.a. on the principal amount from the date of decree till the date of realization as against the interest at 18% p.a. granted by the Court below.

3 . Since the judgment under appeal has already been confirmed by this court in A.S.No.467 of 2007, to which the present appellants are also parties, they are bound by the said judgment and decree and consequently the appeal fails. But, however, the plaintiff is entitled to the same benefit of the payment of interest at 6% p.a. as ordered by this Court in A.S.No.467 of 2007.

4. Accordingly, the Appeal Suit is disposed of. Miscellaneous petitions, if any, pending in this Appeal Suit shall stand closed. No costs.

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N.R.L. NAGESWARA RAO, J

Dated: 22.02.2013
Vvr